ORDINANCE NO. 2347

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S RECOMMENDATION TO APPROVE WITH CONDITIONS THE DIGIPEN INSTITUTE CONDITIONAL USE PERMIT (FILE L070134), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, DigiPen Institute, herein referred to as applicant, submitted a conditional use permit application to change the use within an existing building from office to a college with classrooms, computer labs, and administrative support areas at 8271 154th Avenue NE; and

WHEREAS, a conditional use permit is a Type IV permit decision; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the conditional use permit to the City Council for consideration; and

WHEREAS, on May 31, 2007, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the DigiPen Institute CUP (File L070134); and

WHEREAS, the Hearing Examiner recommended approval of the DigiPen Institute CUP (File L070134) subject to conditions; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record

and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the DigiPen Institute CUP.

Section 2. <u>Approval.</u> The City Council hereby approves the DigiPen Institute CUP, subject to the conditions of approval identified in the Hearing Examiner's recommendation.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

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ROSEMARIE IVES, MAYOR

REDMOND

ATTEST/AUTHENTICATED:

IALISA FILES, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

By: WWXLL

Ordinance No. 2347

FILED WITH THE CITY CLERK: June 12, 2007 June 19, 2007 June 19, 2007 June 25, 2007 June 30, 2007 PASSED BY THE CITY COUNCIL: SIGNED BY THE MAYOR: PUBLISHED:

EFFECTIVE DATE:

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